

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**HONORABLE AVERN COHN**

**No. 07-20156**

**NADA NADIM PROUTY,**

Defendant.

\_\_\_\_\_ /

**SENTENCING HEARING**

**Tuesday, May 13, 2008**

Appearances:

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On behalf of Plaintiff

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On behalf of Defendant

- - -  
To obtain a certified transcript, contact:  
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*Proceedings recorded by mechanical stenography.  
Transcript produced by computer-aided transcription.*

*Sentencing Hearing*  
*Tuesday, May 13, 2008*

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*Sentencing Hearing  
Tuesday, May 13, 2008*

3

Detroit, Michigan

Tuesday, May 13, 2008

3:02 p.m.

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**THE CLERK:** Now calling Case Number 07-20156,  
Defendant Number 1, *United States of America v. Nada Nadim Prouty*.

Will counsel please identify themselves for the  
record.

**MR. CHADWELL:** Good afternoon, Your Honor,  
Kenneth Chadwell appearing on behalf of the United States.

**MR. CRANMER:** Your Honor, good afternoon.  
Tom Cranmer and Howard Shapiro appearing on behalf of  
Ms. Prouty.

**THE COURT:** Thank you.

Ms. Prouty, you are here on your plea of guilty to  
three charges: Conspiracy to defraud the United States,  
unauthorized computer access, and naturalization fraud.

**THE DEFENDANT:** Yes, Your Honor.

**THE COURT:** I have received a presentence report,  
which recommends a guideline range of 10 to 16 months based  
on an Offense Level of 10 and a Criminal History Category of  
I. Your Rule 11 agreement calls for a guideline range of  
6 to 12 months based on an Offense Level of 10 and a  
Criminal History Category of I. I find that the Rule 11

1 agreement properly states the guideline range.

2 Now, are there any objections, additions or  
3 deletions to the presentence report?

4 **MR. CRANMER:** No, Your Honor. We had submitted  
5 some objections, and I believe those were already dealt with  
6 by the Probation Department and we have nothing further to  
7 add. Thank you.

8 **THE COURT:** Thank you.

9 **MR. CHADWELL:** The government has no objections as  
10 well, Your Honor.

11 **THE COURT:** Parenthetically, I note that you have  
12 waived the statute of limitations to the offenses to which  
13 you have pled guilty, and I am to sign as part of this a  
14 Judicial Order of Removal to Lebanon and concurrent Grant of  
15 Withholding of Removal to Lebanon, which I'm going to do  
16 now.

17 **MR. CHADWELL:** Your Honor, actually you need to  
18 sign the other order prior to that one.

19 **THE COURT:** I'll tell you, I'll sign this one  
20 first, then the other order second, but then I'll put the  
21 second order on top of the first one. How is that?

22 **MR. CHADWELL:** That's fine.

23 **THE COURT:** And no one will ever know which order  
24 I signed them in.

25 **MR. CHADWELL:** Right.

1           **THE COURT:** That's how you acknowledge that. And  
2 I will put a little number 1 here and a little number 2 here  
3 so there is no dispute that I signed them in the proper  
4 sequence.

5           **MR. CHADWELL:** Thank you, Your Honor.

6           **THE COURT:** Okay. I have received from your  
7 lawyer a comprehensive sentencing memorandum, which is part  
8 of the public record, and also an appendix of letters to me  
9 from relatives, friends and fellow workers. These letters  
10 are not part of the public record, and I deem them as  
11 personal communications to me because of some of the matters  
12 that are contained therein.

13           As to the sentencing memorandum, I urge those in  
14 the courtroom who may want to comment on the proceeding to  
15 read it. I'm going to put a copy on the clerk's desk.

16           Now, you have a right to address the Court, as  
17 does your lawyer and the government. I suggest that if any  
18 of you address the Court, you do not repeat what was said in  
19 the sentencing memorandum. I have read it.

20           Ms. Prouty?

21           **THE DEFENDANT:** Yes, sir. First I want to  
22 thank you for giving me the opportunity to address the Court  
23 today, and what I want to say is when I was a  
24 nineteen-year-old student I foolishly decided to enter into  
25 a fraudulent marriage in order to become a United States

1 citizen. I could have, and I certainly should have, sought  
2 to become a citizen in the proper way. I accept full  
3 responsibility for my error in judgment, and I am very sorry  
4 for my mistake.

5 Nevertheless, sir, as I hope you can see from the  
6 letters of support and other documents submitted to  
7 Your Honor, I served this country well as an FBI agent and a  
8 CIA operations officer. On numerous occasions I put my life  
9 on the line overseas in order to protect our interests here  
10 at home.

11 I admit that I made mistakes, and I should  
12 appropriately be punished for those mistakes. However, I  
13 need to reiterate that I am not, and have never been,  
14 disloyal to the United States in any way, shape or form.

15 I respectfully ask this Court to consider my  
16 dedicated service, the unfounded and unfair nature of the  
17 more serious allegation against me, and the losses that my  
18 family and I have already suffered in deciding whatever is a  
19 just and fair sentence. Thank you.

20 **THE COURT:** Do either you, Mr. Shapiro, or you,  
21 Mr. Cranmer, want to say anything?

22 **MR. SHAPIRO:** Yes, Your Honor, if you will just  
23 allow me a couple of minutes on behalf of Ms. Prouty.

24 Your Honor, as you have heard, Ms. Prouty comes to  
25 sentencing deeply remorseful and sincerely sorry for her

1 actions, and as we have detailed and as I know Your Honor  
2 has read carefully in the sentencing memorandum, Ms. Prouty  
3 was just a nineteen-year-old student when she broke the law  
4 in obtaining her permanent residency. We have provided some  
5 of the facts about Ms. Prouty's upbringing and background,  
6 not to excuse her behavior, but to place it in context and  
7 to better explain it.

8 What she did and what she pleads guilty to are, of  
9 course, crimes, but how she has been portrayed in the press  
10 and the public opinion is simply not accurate. While an FBI  
11 agent and a CIA operations officer Ms. Prouty's service to  
12 the United States was dedicated and loyal, and as you can  
13 see from the countless letters of support and commendations,  
14 Ms. Prouty was an extraordinary asset to this country's  
15 counter-terrorism efforts.

16 Although the specific details of her contributions  
17 cannot be made public and cannot be disclosed because of  
18 national security concerns, we have submitted to you  
19 firsthand accounts from some 24 fellow FBI and CIA officers  
20 who served alongside her. Many details, of course, were  
21 redacted, but I'm sure Your Honor got the flavor of them.

22 It is important to emphasize that Ms. Prouty's  
23 violations in no way evidenced disloyalty or a threat to the  
24 United States. To the contrary, as these testimonials show,  
25 and as shown in her repeated polygraphs, both before and

1 after her guilty plea, she has always been and she remains  
2 loyal to her adopted country. Her record of service to the  
3 United States speaks volumes about her character.

4 And, to quote just one of the letters, this is  
5 from CIA Officer Number 13 that appears behind Tab 21,  
6 Your Honor, and as he said or she:

7 "Ms. Prouty's actions and bravery on the  
8 most dangerous front lines of the War on  
9 Terrorism make a valuable contribution  
10 in protecting the lives of our men and  
11 women in uniform as well as civilians at  
12 home and abroad. Given Ms. Prouty's  
13 repeated sacrifices and assumptions of  
14 great personal risk to her safety in the  
15 name of the United States, it is  
16 impossible to believe she would ever act  
17 against the United States or in any way  
18 which would harm the federal  
19 institutions which she served. Her  
20 service to her country, community, and  
21 moral standing are beyond reproach."

22 Your Honor, we respectfully request that you take both her  
23 exemplary service and indeed the severe penalty that she has  
24 already paid through loss of her citizenship into account in  
25 fashioning your sentence.



1 Thank you, Your Honor.

2 **THE COURT:** Thank you.

3 Mr. Chadwell.

4 **MR. CHADWELL:** Your Honor, as stated in the plea  
5 agreement, we do not object to any sentence within Zone B of  
6 the sentencing guideline range. I just want to make that  
7 clear up front. We ask that you accept the Rule 11 plea  
8 agreement, that you limit your sentence to no more than  
9 nine months, and that you follow all of the provisions in  
10 the plea agreement.

11 I just want to respond briefly, too, to the  
12 sentencing memorandum. I think the defense did state  
13 accurately in the memorandum that both parties agree that  
14 Ms. Prouty does not have to be incarcerated. That was  
15 pretty clear after the plea agreement was written.  
16 Certainly Zone B gives a wide range of options the Court  
17 could do short of actual imprisonment, and the government,  
18 therefore, is not asking for that.

19 However, this case should be taken very seriously.  
20 It is a very serious case. A lot of people come to the  
21 United States the right way, work long hours in underserved  
22 areas and everything else to get their citizenship.  
23 Ms. Prouty did not do that, and having not done that, she  
24 had this deep, dark secret in her past.

25 She then joined the country's two intelligence

1 agencies, the FBI and the CIA. She defrauded them into  
2 hiring her. They would have never hired her had they known  
3 her background.

4 She repeatedly signed forms saying she didn't have  
5 a deep, dark secret, and having a deep, dark secret is a  
6 very serious national security risk because if a foreign  
7 intelligence service finds out about your deep, dark secret  
8 and comes to you and says you have to do X, Y, Z or we are  
9 going to reveal this, that's a big problem. Now, I'm not  
10 saying Ms. Prouty did that or a foreign intelligence service  
11 learned of that, but this is why it is very, very important  
12 for the intelligence agencies, first of all, to ferret these  
13 things out before they get this far long and also that  
14 people not be in the intelligence services who have this  
15 type of a background and this type of vulnerability to the  
16 United States.

17 Thank you, Your Honor.

18 **THE COURT:** I should mention before I go ahead  
19 that there is also a performance evaluation that I have  
20 received from the CIA in redacted form which should be part  
21 of the public record and should be made available to anyone  
22 who wants to read it, so I will put that at the table.

23 What I intend to do now is impose the sentence and  
24 then state my reasons. I sentence you as follows:

25 You are to pay a \$750 fine as well as a special

1 assessment of \$225.

2 If you would like to sit down now, it will take me  
3 about five minutes to read this.

4 **MR. SHAPIRO:** Thank you, Your Honor.

5 **MR. CRANMER:** Thank you, Your Honor.

6 **THE COURT:** My job in sentencing is to consider  
7 the factors of 18 U.S.C. 3553(a) and impose a sentence  
8 sufficient, but not greater than necessary, to serve the  
9 purposes of sentencing as enumerated in the statute. I must  
10 also consider that there exists aggravating or mitigating  
11 circumstances of a kind or degree not adequately taken into  
12 consideration by the Sentencing Commission in promulgating  
13 the guidelines.

14 In considering your sentence, I have taken into  
15 consideration the recommended guideline range. I have also  
16 looked at your age, marital status, employment record,  
17 family ties, criminal history, socioeconomic status,  
18 education and vocational skills, as well as the other  
19 matters required by the statute.

20 This is a highly unique situation. The essential  
21 offense which you committed was marriage fraud. You engaged  
22 in a sham marriage to obtain citizenship and to avoid having  
23 to return to Lebanon. Your desire not to return to Lebanon  
24 given consideration to the conditions which existed there in  
25 the late 1990's, I'm sorry, in the early 1990's is

1 understandable.

2 You also improperly accessed a computer available  
3 to you at your work station. As to that offense, you did  
4 not print out anything, nor did you tell anyone what you  
5 read.

6 The personal circumstances, as noted, that led to  
7 the sham marriage occurred almost 20 years ago. Since that  
8 time you have rendered extraordinary services to the  
9 United States as an agent of the FBI and in the employ of  
10 the CIA. At no time did you ever compromise or jeopardize  
11 the integrity of any work assignment to improper behavior or  
12 inappropriate conduct. I have received a letter from the  
13 CIA, which reads:

14 "This letter is to inform you that the CIA  
15 conducted a debriefing of Nada Prouty, which began  
16 on 28 January 2008. It included a polygraph  
17 interview. Ms. Prouty was fully cooperative  
18 during those processes. The agency did not  
19 identify any information that Ms. Prouty  
20 cooperated or engaged in unauthorized contact with  
21 a foreign intelligence service or terrorist  
22 organization."

23 As a citizen you served your country honorably and  
24 effectively and at times in situations which exposed you to  
25 personal danger. One of your colleagues, now retired, has

1 written me as follows:

2 "Let me offer some personal observations  
3 about Ms. Prouty that rest on direct experience,  
4 not speculation. Ms. Prouty worked for me in  
5 Baghdad during the second half of 2003 where I was  
6 serving as the senior intelligence official in  
7 Iraq.

8 "Those were bad days. The insurgency was  
9 spreading throughout the country. Violence was  
10 spiraling upwards. The leadership in the  
11 Whitehouse and the Department of Defense were  
12 dismissing the obvious trends as insignificant.  
13 We were understaffed and undersupported, yet the  
14 mission was all the more critical.

15 "While many officers in the CIA were  
16 unwilling to serve in this deteriorating,  
17 high-risk and thankless endeavor, Ms. Pouty did  
18 not waiver. She arrived ready to work. She was  
19 relentless and provided critical operational  
20 information.

21 "It was a dynamic and unpredictable  
22 environment. Ms. Prouty was in the streets. She  
23 was one of the few Arabic speakers I had in the  
24 country, and as a consequence, she was always in  
25 demand. Ms. Prouty's hours were endless, yet

1 she never hesitated to take up a task despite a  
2 personal risk. Through it all she exhibited  
3 exemplary professionalism."

4 The media accounts of your case, perhaps prompted  
5 by the excessiveness of the press releases issued by the  
6 United States Attorney's Office, have grossly distorted the  
7 circumstances of your case, even taking into consideration  
8 the statement of the Assistant United States Attorney.

9 You and your family have suffered, and will  
10 continue to suffer, as a result of an error in judgment made  
11 19 years ago, including loss of citizenship and loss of  
12 employment. In consideration of the foregoing reasons, and  
13 particularly the exemplary services you have rendered to our  
14 country, I have imposed the sentence recited above. It is  
15 sufficient punishment in light of the totality of the  
16 circumstances attendant upon your guilty plea. It is  
17 sufficient but not greater than necessary.

18 Thank you.

19 **MR. CRANMER:** Thank you, Your Honor.

20 **THE CLERK:** All rise. Court is in recess.

21 (Proceedings concluded at 3:19 p.m.)

22 - - -

23 **C E R T I F I C A T I O N**


24 I, Sheri K. Ward, official court reporter for the  
25 United States District Court, Eastern District of

*Sentencing Hearing*  
*Tuesday, May 13, 2008*

15

1 Michigan, Southern Division, appointed pursuant to the  
2 provisions of Title 28, United States Code, Section 753,  
3 do hereby certify that the foregoing is a correct  
4 transcript of the proceedings in the above-entitled cause  
5 on the date hereinbefore set forth.

6 I do further certify that the foregoing  
7 transcript has been prepared by me or under my direction.

8  
9   
10 Sheri K. Ward  
11 Official Court Reporter

May 16, 2008  
Date Completed

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